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Appl. No. 10/685,323
Terminal Disclaimer dated May 9, 2006

MAY 09 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Franck J. BARRAT, et al.

Application No.: 10/685,323

Filed: October 14, 2003

For: REGULATORY T CELLS;
METHODS

Examiner: M. A. Belyavskyi

Art Unit: 1644

Conf. No.: 5022

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Fax Number (571) 273-8300, on May 9, 2006.

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

by:



MELANIE LYONS

TERMINAL DISCLAIMER

Honorable Sir:

Petitioner, Schering Corporation, is the owner of 100% interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 36 U.S.C. sections 154 to 156 and 173, as presently shortened by any terminal disclaimer, of commonly-owned U.S. Patent 6,670,146. Petitioner hereby agrees that any patent granted on the instant application shall be enforceable only for and during such period that it and any of the aforesaid patent application are commonly-owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the fully statutory term as defined in 35 U.S.C. sections 154 to 156 and 173 of the aforesaid patent application, as presently shortened by any terminal disclaimer, in the event that either one or both later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Petitioner is the owner of 100% interest in the instant application by virtue of an assignment in the parent application U.S.S.N. 09/970,446 (now US Patent 6,670,146) to Schering Corporation from all the inventors, which was recorded on July 2, 2003, in the U.S. Patent and Trademark Office, at Reel 013773, Frame 0445.

The undersigned Attorney of Record states that she is empowered to act on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant or aforesaid applications or any patents issued thereon.

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The USPTO is hereby authorized to charge the \$110 fee under 37 C.F.R. §1.20(d) for the present Terminal Disclaimer to charge account DNAX Deposit Account No. 04-1239.

Respectfully submitted,

Date: May 9, 2006

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